

**REMARKS**

Claims 1, 2, 9, 18, and 25 are currently amended. Applicant respectfully submits that the amendments contained herein are fully supported by the Specification as originally filed and do not contain new matter.

**Claim Rejections Under 35 U.S.C. § 102**

Claims 1-13 and 17-28 were rejected under 35 U.S.C. § 102(b) as being anticipated by Sakui et al. (U.S. Patent No. 6,411,548). Applicant respectfully traverses.

Claim 1, as currently amended, recites a portion of a drain contact region formed directly over a drain select gate, while claims 9, 18, and 25, as currently amended, each recite a portion of a drain contact region directly overlies a drain select gate. Sakui et al. does not include a portion of a drain contact region formed directly over a drain select gate or that directly overlies a drain select gate. Sakui et al. includes a contact hole 30d (Figure 12) reaching the drain region 28d. No portion of contact hole 30d is formed directly over or directly overlying gate electrode (or select gate line) 27(SSL). Therefore, Sakui et al. does not recite each and every element of claim 1, 9, 18, or 25, and claims 1, 9, 18, and 25 should be allowed.

Claims 2-8 depend from claim 1 and are thus allowable for at least the same reason as claim 1. Claims 10-13 and 17 depend from claim 9 and are thus allowable for at least the same reason as claim 9. Claims 19-24 depend from claim 18 and are thus allowable for at least the same reason as claim 18. Claims 26-28 depend from claim 25 and are thus allowable for at least the same reason as claim 25. Therefore claims 2-8, 10-13, 17, 19-24, and 26-28 should be allowed.

**Claim Rejections Under 35 U.S.C. § 103**

Claims 14-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sakui et al. (U.S. Patent No. 6,411,548). Applicant respectfully traverses.

Claim 9, as currently amended, is patentably distinct from Sakui et al. without relying on specific materials. Claims 14-16 depend from claim 9 and are thus allowable for at least the same reason as claim 9. Therefore, claims 14-16 should be allowed.

**Allowable Subject Matter**


Applicant acknowledges that claims 42-62 were allowed.

CONCLUSION

In view of the above remarks, Applicant believes that the claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. If the Examiner has any questions regarding this application, please contact the undersigned at (612) 312-2208.

Respectfully submitted,

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